

**BUREAU OF ENVIRONMENTAL REMEDIATION/REMEDIAL SECTION
GUIDELINE
RECLASSIFICATION PLAN**

BER POLICY # BER-RS-024

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PAGES: 4

The primary objectives of the Reclassification Plan (RCP) are described as follows:

- 1) to provide a procedure to reclassify a contaminated site from the Bureau of Environmental Remediation's Identified Sites List following corrective action or monitoring activities;
- 2) to ensure that the appropriate documentation for reclassification has been prepared by property owners, responsible parties, voluntary parties, or other persons or entities potentially responsible party(s) "PRP(s)" for, or in control of, a contaminated site;
- 3) to provide an incentive for PRPs to remediate contaminated sites so that sites which obtain KDHE's established cleanup criteria can be reclassified; and
- 4) to serve as a mechanism to effectively terminate PRPs obligations regarding the performance of corrective action or monitoring of impacted sites through a Consent Order or other legal document.

When a PRP(s) believes that corrective action or monitoring at a contaminated site has obtained KDHE's established cleanup criteria, the PRP may request that KDHE reclassify the site on the Bureau of Environmental Remediation's Identified Sites List, which is published on an biennial basis. The PRP seeking reclassification of a site must submit the necessary documentation as set out below. KDHE will make the final determination concerning the reclassification and will document such decision.

A request for reclassification may be filed with KDHE when one or more of the following applicable criteria are met:

I. Groundwater and Surface Water Criteria:

- 1) Analytical results from indicator sampling locations, as determined by KDHE, are less than the Kansas Notification Levels "KNLs"¹, Kansas Surface Water Quality Standards (K.A.R. 28-16-28b.), or other appropriate KDHE standards for four (4) consecutive equally time sequenced sampling episodes as approved by KDHE over a period of no less than two (2) years.
- 2) Analytical results from indicator sampling points, as determined by KDHE, are less than the Federal Maximum Contaminant Levels "MCLs"² or the Kansas Action Levels "KALs"³, Kansas Surface Water Quality Standards, or other appropriate KDHE standards for four (4) consecutive equally time sequenced sampling episodes as approved by KDHE over a period of no less than three (3) years.
- 3) Analytical results from indicator sampling points, as determined by KDHE, do not exceed background⁴ levels for four (4) consecutive equally time sequenced sampling episodes as approved by KDHE over a period of no less than two (2) years.
- 4) Analytical results from indicator sampling points, as determined by KDHE, document that the site does not pose an unacceptable human health or ecological risk based upon a site-specific risk assessment as provided for in a Comprehensive

¹ KNL - The Kansas Notification Levels (KNLs) are chemical-specific concentrations that should not produce an adverse health effect as a result of long-term exposure (30 years) or, for carcinogens, chemical-specific concentrations that increase the risk of cancer by no more than one in 1,000,000 through long-term exposure.

² MCL - is the maximum contaminant level established by the federal Safe Drinking Water Act.

³ KAL - The Kansas Action Level (KAL) is a chemical-specific concentration at which KDHE considers the water unacceptable for long-term consumption. The KAL is a guideline for those chemicals without MCLs and is not regulatory standard. Chemical-specific KALs are concentrations that could produce adverse health effects as a result of long-term consumption (30-years) of the contaminated water. For carcinogens, long-term consumption of water at the KAL could increase the risk of cancer by one in 100,000. If a contaminant is detected at or above the KNL in a public water supply, the owner of the well is notified, the well is monitored further, and the owner may be required to notify all consumers of the contamination. If a contaminant is detected at or above the KAL, the well owner is required to discontinue use of the well for drinking purposes.

⁴ background - Background levels are defined for the purpose of this Reclassification Plan to include concentrations of chemicals of concern that are:

- 1) naturally occurring levels, which are ambient concentrations of chemicals present in the environment that have not been influenced by humans; and
- 2) anthropogenic levels, which are concentrations of chemicals that are present in the environment due to human-made, non-site sources.

Investigation or Remedial Investigation (as defined by KDHE's Scope of Work) for four (4) consecutive equally time sequenced sampling episodes as approved by KDHE over a period of no less than two (2) years.

II. Soil Criteria

5) Analytical results do not exceed KDHE's soil cleanup guidelines (see BER Guideline BER-RS-016, "Interim Remedial Guidelines for Contaminated Soils") for discrete sampling of the soil at locations and depths specified by KDHE.

6) Analytical results do not exceed background levels for discrete sampling of the soil at locations and depths specified by KDHE.

7) If analytical results document that the site does not pose an unacceptable risk based upon a site-specific risk assessment as provided for in a Comprehensive Investigation or Remedial Investigation (as defined by KDHE's Scope of Work) at locations and depths specified by KDHE.

III. Special Considerations

8) If there are no continuing source(s) of contamination or if site conditions or monitoring suggest soil contaminant source(s) have been mitigated during monitoring of the site in no less than two (2) years from the removal action date (i.e. there is no chance of repeated contamination and the original source has been eliminated). This scenario would only be applicable for sites where the Corrective Action is limited to source removal and monitoring or a "no-action" Corrective Action.

9) If the above eight (8) criteria do not apply to a site, the PRP(s) may still petition for reclassification by providing appropriate justification and a concise description of all special circumstances for the site.

The PRP must submit a RCP for KDHE review and approval which must follow the format outlined below and should not exceed ten (10) pages.

1. **SITE DESCRIPTION** - a summary of site history, site location, ownership and operation of the site, and wastes handled at the site.
2. **PHYSICAL CHARACTERISTICS** - a summary of geology, soils, surface features, hydrogeology, hydrology, and meteorology.
3. **NATURE AND EXTENT OF CONTAMINATION** - a description of the original basis for site listing, a summary of the sources, contaminants, quantity, duration and physical state of the contamination, and a summary of the resources affected and the human health and environment impacts.
4. **RESPONSE ACTIVITIES** - a summary of the remedial response activities including selected alternatives and effectiveness of the remedial alternative.
5. **SUPPORTING DATA** - a summary of the approved target cleanup levels and the analytical data to support the conclusions about the effectiveness of the remediation and reclassification.
6. **RECLASSIFICATION RECOMMENDATION** - summarize and document conclusions on why the site should be reclassified according to the criteria outlined in I through III of this Scope of Work.

The RCP will be reviewed by KDHE. KDHE will notify the party that submitted the RCP of KDHE's decision by letter. Additional information may be requested by KDHE prior to final reclassification of the site. Reclassified sites will appear biennially in the Identified Sites List. KDHE files will be maintained for public review of all reclassified sites.

The reclassification of a site indicates known contamination at a particular site does not pose a significant human health or environmental threat (based upon submitted information, hydrogeologic information and analytical data). Reclassification does not imply a site is free from all contamination or pollution. A reclassified site may be reactivated on the Identified Sites List if supplementary or additional information provides evidence indicating a potential threat or impact to human health or environment does exist from the site.